

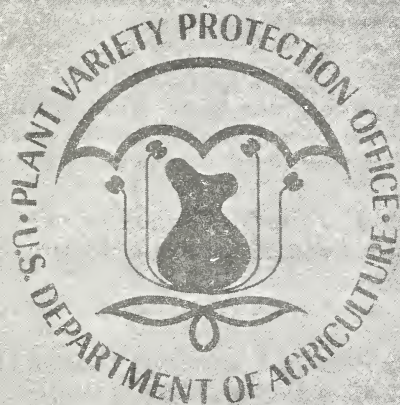
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U.S. DEPT. OF AGRICULTURE
NATIONAL PLANT VARIETY PROTECTION OFFICE

OFFICIAL JOURNAL OF THE PLANT VARIETY PROTECTION OFFICE



PREFACE

The Plant Variety Protection Act, (7 U.S.C. 2321 et seq.) authorizes the Secretary of Agriculture to publish an Official Journal and to provide the public with pertinent information relating to the operations of the Plant Variety Protection Office.

The statute also authorizes the Secretary to disseminate technological and other information available to the Office that would encourage innovation and promote progress in plant breeding.

The Official Journal, which will be published quarterly, will include instructions issued by the Office and related information. It will be sent free to anyone on request. Send requests to:

Plant Variety Protection Office
Grain Division, AMS
U.S. Department of Agriculture
6525 Belcrest Road
Hyattsville, Maryland 20782

CONTENTS

	<u>Page</u>
Applications received-----	4 - 14
Certificates issued-----	15
Variety descriptions listed-----	15
General information-----	16 - 20

APPLICATIONS RECEIVED
FROM JANUARY 1, 1971, to DECEMBER 31, 1972

Application No.	Date	Name of applicant(s)	Name of kind	Name of variety (or identification)
711	1/4/71	W. Atlee Burpee Co.	lettuce	Green Ice
712	"	"	aster	Totem Pole White
713	"	"	aster	Totem Pole Rose- Pink
714	"	"	aster	Totem Pole Scarlet- Cerise
715	"	"	aster	Totem Pole Azure
716	"	"	aster	Blue Totem Pole Dark Blue
718	1/8/71	"	beet	Burpee Golden
719	1/13/71	"	verbena	Ruffled White
7110	1/28/71	"	marigold	Extra Dwarf Double French Redcoat
* 7112	1/13/71	"	triticales	#203
* 7113	"	"	triticales	#385
* 7114	"	"	triticales	#204
* 7115	"	"	triticales	#131
**7116	2/2/71	Soybean Research Foundation	soybean	SRF 100 (3)
**7117	"	"	soybean	SRF 307 (3)
**7119	"	"	soybean	SRF 400 (3)
* 7120	"	"	pea	Corfu
**7121	"	Coker's Pedigreed Seed Co.	cotton	Coker 310 (3)
**7122	"	"	soybean	Coker Hampton 266A (3)
* 7123	"	DeKalb AgResearch, Inc.	wheat	Bonanza (3)
7125	2/19/71	Asgrow Seed Company	bean	Rodeo
* 7126	2/10/71	"	cotton	Lockett BXL

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* 7127	2/19/71		cotton	Stripper N
7128	2/23/71	Dessert Seed Company	onion	Ringer Grano
7129	2/26/71	Keystone Seed Company	bean	Sunrise
7130	"	"	bean	Lake Shasta
7131	"	"	bean	Lake Erie
* 7132	"		bean	Lake Delmarva
7133	"	Keystone Seed Company	bean	Rebel
* 7134	"		bean	Lake Superior
** 7135	3/10/71	Wilco Peanut Company	peanut	Goldin I (3)
7136	3/16/71	Keystone Seed Company	bean	Miami
7137	"	L. Teweles Seed Company	soybean	XK-505
7138	3/19/71	Asgrow Seed Company	bean	Falcon
7139	"	"	pea	Beacon
7140	"	"	pea	Mini
7141	"	"	bean	Eagle
** 7142	3/22/71	McNair Seed Company	soybean	McNair 800 (3)
** 7143	"	J. Joordens Zaadhandel N.V. The Netherlands	annual ryegrass	Aubade (3)
* 7144	"		annual ryegrass	Promenade
** 7145	"	J. Joordens Zaadhandel N.V. The Netherlands	perennial ryegrass	Game (3)
** 7146	"	J. Joordens Zaadhandel N.V. The Netherlands	red fescue	Menuet (3)
** 7147	"	J. Joordens Zaadhandel N.V. The Netherlands	rough bluegrass	Po-Lis (3)
** 7148	3/26/71	Dunn Seed Farms	cotton	Dunn 188 (3)
7150	4/1/71	Dessert Seed Company	squash	Dessert Naked Seeded
7151	"	Growers Seed Association	cotton	Blanco 3363
7153	4/6/71	W. Atlee Burpee Company	aster	Ideal Dark Blue
7154	"	"	aster	Ideal Rose

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7156	4/6/71	W. Atlee Burpee Company	sweetpea	Bijou Crimsonette
* 7160	4/7/71		soybean	XK-515
* 7162	"		soybean	XK-535
7164	4/8/71	L. C. Nungesser	birdsfoot	Odenwaelder
		German Federal Republic	trefoil	
* 7165	4/9/71	Charter Seed Company	bean	Code 188
7166	"		bean	Slenderette
* 7167	"		bean	Goldette
7168	"	Charter Seed Company	bean	Tenderwax
7169	4/13/71		pea	Green Arrow
		Hurst, Gunsen, Cooper, Taber		
7170	"	United Kingdom	pea	Beagle
		United Kingdom		
* 7171	"	L. Teweles Seed Company	lovegrass	Renner
7174	4/14/71		soybean	XK-585
** 7175	4/16/71		soybean	McNair 600 (3)
7176	"	Vincenzo Pellegrino	beet	Sweet Beet Green
7177	4/22/71	W. Atlee Burpee Company	aster	Burpeeana Extra
				Early Rose
7178	"	"	aster	Burpeeana Extra
		"		Early Scarlet Morn
7179	"	"	calendula	Dwarf Double
		"		Golden Gem
7181	"	"	marigold	Chrysanthemum- flowered Gold
		"		Fantastic
7185	"	"	sweetpea	Bijou Salmonette
7186	"	"	sweetpea	Galaxy Lavender
		"		Delight
7187	"	"	sweetpea	Galaxy Tangerine
7188	"	"	verbena	Ruffled Pink
** 7190	4/27/71	McNair Seed Company	cotton	McNair 10 (3)

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7191	4/28/71	Ferry-Morse Seed Company	bean	Gator Green 15
7192	"	"	lettuce	Montemar
7193	"	"	bean	Bush Romano 71
7195	"	"	lettuce	Super 59
7196	"	"	lettuce	Vamax
7197	"	"	bean	Rainier
* 7199	5/16/71	"	pumpkin	Thomas Halloween
71100	"	Agway, Inc.	bean	Sinclair Butterwax
71101	5/10/71	"	pea	Early Market
* 71102	6/29/71	"	peanut	G.K. 9B
* 71103	"	"	peanut	G.K. 55B
* 71104	"	"	peanut	G.K. 17DS
* 71105	5/21/71	"	orchardgrass	Majestic
* 71106	5/21/71	"	birdsfoot	Maitland
			trefoil	
* 71107	6/3/71	Hurst, Gunson, Cooper, Taber	alfalfa	Luna
71108	6/8/71	"	pea	Marico
		United Kingdom		
** 71109	6/16/71	J. B. Boswell Company	safflower	B-54 (3)
** 71110	6/21/71	R. J. Reynolds Tobacco Co.	peanut	Avoca-11 (3)
72001	7/8/71	Ram-Bar Corporation	barley	912-26
* 72002	7/19/71	"	nasturtium	Crimson Jewel
* 72003	"	"	nasturtium	Golden Jewel
* 72004	"	"	nasturtium	Mahogany Jewel
* 72005	"	"	nasturtium	Primrose Jewel
* 72006	"	"	nasturtium	Scarlet Jewel
* 72007	"	"	nasturtium	Orange Jewel
72008	"	Improved Variety Research	soybean	Marshall
72010	7/21/71	Pennington Seed Company	rye	Winter Grazer 70
72011	7/22/71	William Zvolanek	sweetpea	Zvolanek Multi- flora Corrugated Miracle

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72012	7/22/71	William Zvolanek	sweetpea	Zvolanek Multi- flora Lilac Miracle
72013	"	"	sweetpea	Zvolanek Multi- flora Miracle Mix
** 72014	7/23/71	Coker's Pedigreed Seed Co.	wheat	Coker 68-15 (3)
** 72015	"	"	wheat	Coker 68-19 (3)
72016	7/30/71	Delta and Pine Land Co.	cotton	Deltapine 25
* 72017	8/5/71	"	soybean	Cyclone
** 72018	8/6/71	C. S. Lankart	cotton	Lankart Selection LX 571 (3)
** 72019	8/23/71	Pennsylvania Agricultural Experiment Station	perennial rye- grass	Pennfine (2)
72020	"	Rogers Brothers Company	bean	Roma
72021	"	"	pea	Medalist
** 72022	8/25/71	Coker's Pedigreed Seed Co.	tobacco	Coker 347 (3)
** 72023	"	"	tobacco	Coker 411 (3)
72024	8/27/71	Asgrow Seed Company	bean	Pico
72025	"	"	bean	Thor
72026	"	"	bean	Bonanza
72027	"	"	pea	Charger
72028	8/30/71	Dekalb AgResearch, Inc.	agroticum	290 M
* 72029	9/13/71	"	wheat	World Seeds 1809
72030	9/15/71	Whitney-Dickinson Seeds	Kentucky bluegrass	NJE-P-27
* 72031	9/16/71	"	wheat	Tam Wheat 101
** 72033	9/17/71	North Carolina Agricultural Experiment Station	wheat	Blueboy II (3)
* 72034	9/22/71	"	pea	Vantage
72035	10/1/71	Waller Flower Seed Co.	nasturtium	Whirlybird
72036	10/4/71	"	dahlia	Redskin
** 72037	10/12/71	McNair Seed Company	wheat	McNair 4823 (3)
** 72038	"	"	wheat	McNair 701 (3)

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72039	10/12/71	Rudy-Patrick Seed Co.	alfalfa	Anchor
72040	10/14/71	Steve Landry	rice	Golden Steve
** 72041	"	W. Weibull, AB - Sweden	Kentucky bluegrass	Sydsport (2)
72042	10/15/71	Delta and Pine Land Co.	cotton	Deltapine SR-1
72043	"	" " "	cotton	Deltapine SR-2
* 72044	10/22/71	" " "	wheat	W-433
* 72045	10/26/71	" " "	cotton	Tamcot SP 23
* 72046	"	" " "	cotton	Tamcot SP 37
* 72047	"	" " "	cotton	Tamcot SP 31
** 72048	10/27/71	National Seed Development Organization, LTD	alfalfa	Maris Kabul (3)
		United Kingdom		
** 72049	10/27/71	National Seed Development Organization, LTD	alfalfa	Maris Phoenix (3)
		United Kingdom		
** 72050	10/27/71	National Seed Development Organization, LTD	annual ryegrass	Maris Ledger (3)
		United Kingdom		
** 72051	11/1/71	Speights Seed Farms	tobacco	Speights G-33
* 72052	11/1/71	" " "	wheat	World Seeds 16-16
* 72053	11/2/71	Unilever, LTD; United Kingdom	pea	Colworth Swan
72054	11/11/71	W. Atlee Burpee Company	squash	Burpee Golden
		" " "		Zucchini
72055	11/23/71	Ben Fish and Son	lima bean	Mendoza
72056	11/26/71	Dessert Seed Company	pumpkin	Dessert Naked Seeded
** 72059	12/10/71	Rogers Delinted Cottonseed	cotton	Rogers GL-6 (2)
* 72060	12/10/71	" " "	smaller cat's tail	Pedestra
* 72061	"	" " "	smaller cat's tail	Match
* 72062	"	" " "	smaller cat's tail	Impresso

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* 72063	12/10/71		perennial	Goal
			ryegrass	
* 72064	"		perennial	Marathon
			ryegrass	
* 72065	"		perennial	Sprinter
			ryegrass	
* 72066	"		crested	Spotlight
			dogtail	
			pea	Alsweets II
72067	12/22/71	Morris Bros. Seed Co.	bean	Lake Geneva
72068	12/27/71	Keystone Seed Company	cotton	Quapaw (2)
** 72069	1/3/72	Arkansas Agricultural Experiment Station		
		Arkansas Agricultural Experiment Station	alfalfa	Victoria (2)
** 72070	1/3/72	ACCO Seed		
		"	cotton	Paymaster 111-A
72071	1/5/72	"	cotton	Paymaster 101-B
72072	"		durum wheat	POI-D-104
72073	1/10/72		soybean	Peterson 4 (3)
* 72074	1/21/72	Peterson Seed Company	soybean	Peterson Jade (3)
** 72076	1/21/72	Peterson Seed Company	soybean	SRF 450 (3)
** 72077	"	Soybean Research Foundation	soybean	Bellatti - E (3)
** 72078	1/25/72	Louis Bellatti	durum wheat	DD
* 72079	1/31/72		rice	Labelle
* 72080	1/28/72		cotton	TPSA 1633 (3)
** 72081	1/28/72	Texas Planting Seed Assn.	soybean	Cutler 71 (3)
** 72082	2/3/72	Experiment Station Purdue University		
			soybean	Amsoy 71
* 72083	"	Experiment Station	wheat	Arthur 71 (3)
** 72084	"	Purdue University		
			chewings	Jamestown
* 72085	2/2/72		soybean	SRF 150
* 72086	1/24/72		marigold	71MA39
72087	2/16/72	Jos. Harris Company		

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** 72089	2/22/72	J. H. Lambright	cotton	Lambright
** 72090	"	"	cotton	X-15-3-A (3)
** 72091	"	"	cotton	Lambright
** 72092	"	"	cotton	L-X-28 (3)
* 72094	2/25/72	"	cotton	Lambright
** 72095	2/28/72	McNair Seed Company	soybean	X-15-4 (3)
72096	"	Northrup, King & Company	barley	Lambright GL-4 (3)
72097	"	"	barley	Brown
72098	"	Dunn Seed Farms	cotton	McNair 511 (3)
** 72099	3/6/72	Soybean Research Foundation	soybean	Cygnat
** 72100	"	Coker's Pedigreed Seed Co.	cotton	Vireo
** 72101	"	"	cotton	Dunn 119 (3)
** 72102	3/14/72	University of Nebraska and Agricultural Research Service	soybean	SRF 307 B (3)
** 72103	3/15/72	Agricultural Experiment Station, Purdue University	cotton	Coker 312 (3)
72104	3/17/72	Hurst, Gunson, Cooper, Taber United Kingdom	wheat	Coker 5110 (3)
** 72105	"	Montana State University	barley	Centurk (3)
72106	3/20/72	Howden Farm	pea	Paoli (3)
* 72107	3/21/72	"	sainfoin	Canice
72108	"	W. Atlee Burpee Company	pumpkin	Remont (2)
* 72111	3/28/72	"	wheat	Howden
* 72112	"	"	snapdragon	W-434
* 72113	"	"	annual ryegrass	Bright Scarlet
	"	"	annual ryegrass	Barspectra
	"	"	colonial bent-	Bar LM 2
	"	"	grass	Bardot
* 72114	"	"	colonial bent-	Barbinet
	"	"	grass	grass
* 72115	"	"	Kentucky blue-	Baronic
	"	"	grass	grass

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* 72116	3/28/72		Kentucky blue- grass	Barones
* 72117	"		Kentucky blue- grass	Baron
** 72118	"	Oklahoma Experiment Station	wheat	Nicoma (3)
** 72119	3/31/72	"	weeping love- grass	Morpa (2)
** 72120	"	"	grain sorghum	WGF (2)
72121	4/4/72	William J. Bendel	corn	Red Warrior
* 72122	4/5/72		sweetpea	Jet Set Kilarny
* 72123	"		sweetpea	Jet Set
* 72124	"		sweetpea	Jet Set Madrid
* 72125	"		sweetpea	Jet Set St. Moritz
** 72126	4/21/72	Agricultural Experiment Station, Purdue University	soybean	Bonus (3)
* 72127	"		Kentucky blue- grass	Birka
** 72128	4/28/72	J. Joordens Zaadhandel N.V. The Netherlands	annual ryegrass	Jolanda (3)
** 72129	"	J. Joordens Zaadhandel N.V. The Netherlands	perennial rye- grass	Massa (3)
* 72130	"		meadow fescue	Festina
* 72131	"		tall fescue	Aronde
* 72132	"		chewings fescue	Jade
* 72133	"		orchardgrass	Plano
** 72134	"	J. Joordens Zaadhandel N.V. The Netherlands	orchardgrass	Dolcea (3)
* 72135	"		Kentucky blue- grass	Campina
** 72136	5/8/72	Wisconsin Agricultural Experiment Station	oat	Dal (3)
* 72137	5/5/72		wheat	KK 6

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72138	5/10/72	Cal/West Seeds, Inc.	agrotriticum	W-21
* 72139	5/25/72		rye	Wheeler
** 72140	6/5/72	Speight Seed Farms	tobacco	Speight G-140 (3)
72141	6/5/72	Stubbs Seed Service	pea	Gentry
72143	6/12/72	Delta & Pine Land Company	cotton	Deltapine 826
* 72144	6/14/72		wheat	W-332
72145	6/19/72	FMC Corporation	bean	NCX 806
72146	"	"	watermelon	NCX 760
* 72149	6/21/72		wheat	W-406
73001	7/31/72	Keystone Seed Company	onion	1401
73002	8/25/72	Northrup, King & Company	perennial	Eton
73003	"	" " " "	ryegrass	NK 200
** 73004	8/28/72	Adolph Coors Company	ryegrass	Moravian III (2)
* 73005	9/18/72		barley	G. K. 19 NS
* 73006	"		peanut	G. K. 17 IS
** 73007	9/21/72	Iowa State University	peanut	Grundy (3)
73008	10/3/72	Morrison Bros. Seed Co.	oat	Small Sieve
* 73009	10/6/72		pea	Alsweet
73010	10/10/72	Syler, Inc.	durum wheat	MP-23 DF
73011	"	Excel Hybrid Seeds	soybean	Buccaneer
73012	"	" " "	sorghum	Excel R-400
73013	"	ACCO Seeds	sudangrass	Excel S235
* 73014	"		cotton	Paymaster Dwarf
73015	10/13/72	ACCO Seeds	cotton	Deltapine 137
73016	10/16/72	Keystone Seed Company	cotton	Paymaster 1764
73017	10/26/72	Farmers Forage Research Corp.	lettuce	Picoverde
73018	"	" " "	soybean	FFR 666
			soybean	FFR 777

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73019	10/31/72	Gallatin Valley Seed Co.	pea	Sirod
73020	"	"	pea	Trident
73021	"	"	bean	Valgold
73022	"	"	bean	Galaslim
73023	"	"	bean	Blue Lake GV2
73024	"	"	bean	Blue Lake GV150
73025	"	"	bean	H63-2-1
73026	11/6/72	Asgrow Seed Company	bean	Bush Blue Lake
73027	11/13/72	Ferry Morse Seed Company	bean	Supreme
73028	"	"	bean	El209
73029	"	"	bean	El211
73030	11/20/72	Morrison Bros. Seed Co.	pea	El212
73031	11/21/72	"	soybean	Orion
73032	11/22/72	Pan-American Seed Co.	colegus	Clemens Comet
73033	"	"	colegus	Carefree Flame
73034	"	"	colegus	Carefree Scarlet
73035	"	"	colegus	Carefree Pastel
73036	"	"	colegus	Carefree Buff
73037	"	"	colegus	Carefree Golden
73038	"	"	colegus	Carefree Jade
73039	12/12/72	"	watermelon	Carefree Red
				Double Dwarf
73040	12/19/72		barley	Maris Mink
73041	12/22/72		colegus	Carefree Velvet
73042	"		colegus	Carefree Bronze
73043	"		colegus	Carefree Pink
73044	12/26/72		lettuce	Great Lakes
				659-700

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CERTIFICATES ISSUED

None

VARIETY DESCRIPTIONS LISTED

None

GENERAL INFORMATION

Regulations and Rules of Practice

The regulations and rules of practice under the Plant Variety Protection Act were published in the Federal Register on October 28, 1972, and became effective November 27, 1972. Copies may be obtained from the Plant Variety Protection Office, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782. The telephone number for the Office is (301) 436-8547. Office hours are from 8 a.m. to 4:30 p.m.

Application Form

A new form for applying for plant variety protection certificates has been printed. The new form should be used by future applicants. Supplies of the form may be obtained from the Plant Variety Protection Office.

Exhibit C Forms

A completed Exhibit C Objective Variety Description Form is needed for each application. Exhibit C forms are now available for agroticum, aster, barley, bean, beet, calendula, cotton, lettuce, lima bean, marigold, pea, poppy, and soybean. Supplies of the forms may be obtained from the Plant Variety Protection Office.

Reciprocity Limits

Reciprocity limits, if any, are being considered for applications received from The Netherlands, Sweden, Federal Republic of Germany, and the United Kingdom. Proposed limits will be published in the Federal Register for public comment. After final rulemaking, the limits will be included as a part of the regulations and rules of practice.

UPOV Symposium

An International Symposium on Breeders' Rights has been scheduled by the Union for the Protection of New Varieties of Plants (UPOV) in collaboration with the Plant Variety Rights Office (PVRO) of the United Kingdom. The Symposium will be held July 2-6, 1973, at the Connaught Rooms, London, England.

The Symposium has three main purposes:

First, to draw renewed attention to the importance of plant breeding in the development of agriculture and related industries.

Second, to emphasize the need to offer breeders legal protection for new varieties of plants used in crop production.

Third, to explain and demonstrate the system of rights and international cooperation on a practical basis between the member States of UPOV.

Preliminary information, registration forms, and hotel and tour information may be obtained from the U. S. Plant Variety Protection Office.

QUESTIONS AND ANSWERS ABOUT THE PLANT VARIETY PROTECTION ACT

1. How many applications have been received for certificates of protection--agricultural, vegetable, and flower?

Answer: At the end of December 1972 the Plant Variety Protection Office had received 303 applications, of which 167 were on agricultural varieties, 76 on vegetable, and 60 on flower.

2. How many applications specified "sale by variety name only as a class of certified seed"?

Answer: Of the 167 applications received on agricultural varieties, 109 applicants specified sale by variety name only as a class of certified seed.

3. How many applications are pending from foreign plant breeders?

Answer: About 33 applications have been filed by foreign plant breeders from The Netherlands, Federal Republic of Germany, Sweden, and the United Kingdom.

4. Have reciprocity limits been established for any foreign country?

Answer: No, but the protection offered by the four countries from which we have received applications are being reviewed in preparation for establishing such limits, if any.

5. In turf grasses there are several varieties where the basic seed as well as the certified seed will be grown in the USA. The foreign breeders have asked U.S. seedsmen to obtain breeders' rights in their behalf as a quasi U.S. variety. Can these varieties be protected under the U.S. Plant Variety Protection Act?

Answer: Only the owner of a variety can apply for protection. If he is a foreign national, acceptance of an application for protection will depend upon the possibility of reciprocity arrangements with the owner's country. A U.S. agent of a foreign owner cannot apply as an owner but he can pursue processing of the application as the owner's designated agent.

6. What is meant by the wording in section 83 of the Act which refers to "waiver of all rights other than those requiring that seed be sold by variety name only as a class of certified seed"?

Answer: This means that an owner can waive all his protection rights except the rights to have his seed sold by variety name only as a class of certified seed. Many owners, particularly public institutions, are interested only in enforcing their right to require that their varieties be sold by variety name only as a class of certified seed.

7. If a certificate of protection is issued which states that seed of the variety can be sold by variety name only as a class of certified seed and it later develops that the variety does not meet State certification requirements, can the certificate of protection be amended to remove the requirement that the seed be sold by variety name only as a class of certified seed?

Answer: No, once a certificate of protection is issued specifying that a protected variety is to be sold by variety name only as a class of certified seed, the certificate cannot be changed to remove this requirement.

8. Can I choose the "sale by variety name only as a class of certified seed" option at any time?

Answer: Yes, the choice may be made at any time, even after issuance of a certificate of protection. Once this option has been chosen, however, it cannot be changed unless a certificate of protection has not been issued, and the variety has not been sold as a class of certified seed, or labeled or publication made that the seed is to be sold "by variety name only as a class of certified seed."

9. If I make a mixture of two protected varieties, one of which can be sold as uncertified seed and the other of which can be sold by variety name only as a class of certified seed, can I show the name of the latter variety on the analysis tag?

Answer: Yes, with the permission of the owner of the protected variety.

10. If a variety is to be sold "by variety name only as a class of certified seed" can a grower sell to a dealer uncertified seed of the variety without a variety name and without authority of the owner?

Answer: No, the owner still has exclusive rights to the variety in such cases; however, the sale would not be in violation of Title V of the Federal Seed Act.

11. Do I have more rights if I specify that my variety shall be sold "by variety name only as a class of certified seed"?

Answer: Under the "uncertified" option, you are the sole enforcer of your rights. Under the "certified seed only" option your rights can be enforced by you, or if the seed is sold by variety name, by the U.S. Department of Agriculture under the Federal Seed Act.

12. Please explain how breeders can establish a "right of development" for a new variety and obtain designation as a "public variety" in the Official Journal of the Plant Variety Protection Office.

Answer: Objective Variety Description Forms are being developed. As they become available, breeders of new varieties who do not desire to apply for protection may submit the appropriate Objective Variety Description Form to the Office for publication of a brief description in the Official Journal.

13. What kind of description is required in a publication?

Answer: The description must clearly identify the principal characteristics by which a variety can be distinguished. The characteristics set forth in the Objective Variety Description Forms will be a good guide to follow.

14. Can the owner of a certificate of protection sell or assign all or part of his interest in the variety? Does he have to notify the Plant Variety Protection Office if this is done?

Answer: Yes, to the first question. A certificate is personal property. There is no penalty for failure to report a transfer of ownership to the Office; however, failure to do so may mistakenly involve the previous owner or owners in actions that should be taken against the new owner or owners.

15. What must I do to verify that I have a novel variety?

Answer: You should review the literature on the varieties of the species on which protection is to be applied so you can adequately compare your variety with similar varieties. You should make detailed comparisons with similar varieties to establish distinctiveness. You should reproduce the variety sexually (by seed) for sufficient generations to establish that the variety is uniform and stable.

16. If I incorporate a new character in a new variety, can anyone else use that character?

Answer: Yes, a "gene" or "character" can be used by anyone in developing a new variety.

17. If a variety can be reproduced either "sexually" or "asexually," is it eligible for protection? If so, under which Act?

Answer: The Plant Variety Protection Act is intended to cover varieties normally reproduced sexually (by seed). The Plant Patent Act is intended to cover varieties normally reproduced asexually. If a new variety is developed "sexually," and thereafter the variety is reproduced asexually, it would be considered subject to the Plant Patent Act and not subject to the PVPA. (Note: A variety that is reproduced by seed and is covered by a certificate of protection under the PVPA cannot be reproduced asexually without authority of the owner except in pursuit of a plant patent.)

18. Can inbred lines be protected?

Answer: Yes, inbred lines are considered varieties under the Act.

19. Who might sign an application for protection?

Answer: The owner. The owner can be the breeder or someone who employs the breeder. An owner can assign his rights to anyone.

20. Can potato varieties be protected?

Answer: No, potatoes are considered to be asexually reproduced plants.

21. After developing a new variety, how soon must I publish a description, and how soon must I apply for protection?

Answer: You have 6 months after determining that you have a novel variety to publish the description, and 1 year thereafter to apply for protection; but a sale or other action that makes the variety

UNITED STATES
DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
Grain Division, Plant Variety Protection Office
6525 Belcrest Road
Hyattsville, Maryland 20782

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a "public variety" previous to publication will be a bar to protection 1 year later.

22. Does any "sale" trigger the 1-year period for filing an application?

Answer: No, the 1-year period is not triggered by sales for reproduction of the seed for the owner, for testing, or for experimental use.

23. Can I change a variety name under the PVPA?

Answer: There is no bar to changing a variety name under the PVPA; however, there is a bar under the Federal Seed Act. The Federal Seed Act will govern in such matters.